G R S App [illegible] IX 4]

1944-45

Ml File No 157-44

Previous References

(Ml)

Serial Nos 86,

Later References

6 pages.

GENERAL AND REVENUE SECRETARIAT

Serial No. Order

Part B for April 45

SUBJECT

Re Resumption of sites in Kumara Park and Wilson Garden Extensions

L 10062
7/4/45

To The Engineer Officer,
City Improvement Trust Board,
Bangalore

States that as the Purchasers of the sites are not aware of the Conditions of sale, nothing can be done towards the resumption of the sites Action should be taken to enforce the Conditions of sale, by taking from each Purchaser, an agreement.

WL 31/7

4202/-

From the Engineer Officer City Improvt Trust Board, Bangalore

No 43 dt 19-12-44

States that the object of forming the Kumara Park and Wilson Garden Extensions is not fulfilled to any appreciable extent, as the percentage of Vacant Sites are now 75 and 90 respectively, and requests orders on his suggestions to remedy the position

1) Submitted for perusal 43

The Engineer Officer reports that although Sites in Kumara park were sold, only 11 buildings are attempted or built and the corresponding figures in the Wilson Garden are 345 and 55 respectively He has brought to notice that many a purchaser has sold his Site for a higher price in contravention of the conditions of Sale and that it has given scope for unhealthy Speculations, without much benefit to the public, as men of means are found to purchase several Sites not for purposes of their residence; but as a form of investment.

2) In order to remedying the above Situation the Engineer Officer has suggested as follows

a) that the owners of Vacant Sites may be offered one more Chance to act strictly in accordance with the original conditions of Sale and that in Cases where Sites are

WD 0726—GPB—25 000—15 9

resold, they may be resumed at once under Rule 13 of the Conditions of Sale

b) that relaxing may be applied to sites as a site per family offered at upset price will go a long way to solve the housing problem in Bangalore city

3) The above proposals are for orders

4) Pl get orders of the Govt re Conditions of sale under rule relaxing with amendments

Sd/- 2/1/45

Submitted with a draft for approval

Sd/- 5/1/45

Sd/- 7/1

To the Engineer Officer
No L 6854 dated 12-1-45
calls for a copy of the notification in regard to sale of sites in Wilson Garden Extension

1) Get these documents

Submitted with a summary

Sd/- 28/1/45

Sd/- 5-2-45

From the Engineer Officer C.D.D Brand
No 186 dated 8-2-45
Sends a copy of the Notification in regard to the Conditions of the sale of sites in Wilson Garden Extension

10) This has to be referred to the Law Section, for
Thuman Refer para 7 supra

The 17/2 11) The Engineer Mrs. Planning
Improvement Trust Board has brought
to the notice of govt that a large
No. of sites which have
been sold in the Wilson Garden
Extension & the Kumarapark Extension
are lying vacant and that owing
to the Conditions of sale (vide rules
1873 in the case of Kumarapark
extension & rule 16 (7) in the
case of Wilson Garden extension) are
accordingly violated. He therefore
suggests that one more chance
may be offered to the owners of sites to
build upon these sites and should they
fail to do so, the sites may be resumed
according to the original Conditions of
Sale He adds further that in case
where the sites are sold, they may be resumed
without any exception under the above rule. 2
These proposals are for orders.
The Law section may be consulted as
the proposals could be legally sustained

12) Law Secy for
16/2/43
Secretary The Conditions

REC 663 FPT 13 43 ORF

6790/64
P

Xerox copies of these drawings may be ordered by the Law Section

Asst Leg.
Law section

15) 16 2-43

15) 21/2/43

subd- with ref to para. 12 supra—

(b) The point for consideration is whether as per conditions of sale the vacant sites in Kumara Park & Wolson Garden, Ootamara could be resumed by Govt. when they are sold by the purchasers, as suggested by the Engineer. (F & N).

e- Wolson Gardens - conditions of sale (F & O)—

(a) As per cl. 16 the purchaser is required to execute an agreement, within 30 days from date of confirmation of sale to build houses within 1 year (when the cost does not exceed Rs 5000) or within 1½ years (where the cost do exceeds Rs 5000) and to start construction within six months.

(c) Failure to comply with the above condition will invite resumption of the sites under cl. 17. of the conditions.

The Engineer officer states (vide Fg N) that since the purchasers have indulged in speculation, in all cases when they are sold by the said purchasers, the sites must be resumed

19) It will be seen that as per condition of sale, (Fg O) the resale is not prohibited expressly. no agreements has been taken from the purchasers as per clause 16 and therefore it appears that under the circumstance, the sites cannot be resumed by the Govt as agreed by the Engineer

It appears, therefore, expedient 20) to issue a notice to all the purchasers to execute the necessary agreements as per cl 16 and action under 17 be taken thereon in cases of violation, be Although title-deeds could be granted on completion of the buildings as per agreement, no such agreements having been got executed in the present case, there appears to be no restriction on transfer of such sites by purchasers as they get the right prima facie on confirmation of sale

Sites in Wilson Garden. Kumara Park Extension 6790/p 6/1

Re sites in Kumara Park Extension —

1) the same arguments hold good in this case also cl. 12. of the conditions of sale (Fg H) require the agreements to be executed within 30 days of the confirmation of sale But there is no clause corresponding to cl. 17 of Wilson Garden Extension, providing for resumption by Govt.

2) Under the circumstances, therefore, in neither case, it appears. Can the sites be resumed; & it may be expedient to issue notices to all the purchasers, to execute the necessary agreements and conform to the conditions thereof Submitted for perusal

AMA 16.3 3/4/13

3) It is unfortunate that the Municipal authorities have not followed the conditions laid down by them. Even then as the delay appears, it is not known under what circumstances the sites were sold It is not at all clear from the facts on record if the purchasers of the sites are aware of the conditions of sale or not. Under such circumstances can Govt have powers resumption of the sites

4) The authorities must now explain the conditions, by taking from each purchaser an agreement, & insist on each

5349 6790

letter to act as to whether Mohan may be issued, extremely all the purchasers the aforesaid lands.

Law Secy) 3
16/3/45.

Cir
16-3-45

Mr Secy)
Sir
C/c

3
1945

25) Submit with a draft letter to the Engineer officer, in accordance with the Law opinion above, for appln.

Law Secy) for
19-3-45

19/3

26) Is not this area handed over to the Municipality?

Cir
21-3-45

27) Submit with a draft letter for

21/3 25) Some formality.

To the Engineer officer
C 95-90 dt 26-3-45
Calls for the above information

From the Engineer officer. C D & Board
No 4 21, dt 3-4-45
states that the Bangalore city Municipality were addressed to take charge of the

A)

6

Wilson — garden extension, but the Franchise ever did not materialise as it was the subject of correspondence and requests that he may be empowered to resume sites from those buyers who have infringed the rules governing the sale of sites

29) submit. for Annual Refer - paras 26 to 28. of the Notes Supra

30) the above letters is proposed with respectful submission

31) the draft letter is submitted

Law Officer for Secretary

5/4

1881.

Cus
5 K 46

To The Engineer Officer
G.S.D. Board

L 10062 dt 7-4-45
- HE 157-44-26.

STATE that action has now to be taken to enforce the conditions of sale by taking an agreement from each purchaser and to insist on each to act up to conditions

B

Che A-3 A/19 12 48, Ada 4208/L

From

The Engineer Officer,
Bangalore City Improvement Trust
Board, Bangalore.

To

The Law Secretary
to the Government of His Highness
the Maharaja of Mysore, Bangalore.

Sir,

I have the honor to bring to the notice of the Government that the object of forming the two Extensions-Kumara Park and Wilson Garden-is not fulfilled to any appreciable extent. It is more than three years since they were formed and yet the percentages of vacant sites are now 75 and 90 respectively. All the sites in Kumara Park, 43 in number, are sold but only 11 buildings are built or attempted and the corresponding figures in Wilson Garden are 340 and 55 respectively. Of the remaining 185 sites here, 96 are reserved for poor officials and 89 are not yet disposed off

According to Rule 12 of conditions of sale (vide enclosure) purchasers of sites in the two Extensions were required to execute agreements binding themselves to construct buildings costing Rs.5,000/- and less within 12 months and those costing over Rs. 5,000/- within 18 months. For reasons not known, no agreements were got executed, And though, as per rule 13, a title deed can be obtained by a purchaser only after the building has been completed, complying with all the conditions of sale, many a purchaser has sold his site for a higher price in contravention of the conditions of sale. In short, the creation of the extensions has given scope for unhealthy speculations, without much benefit to the public.

The situation calls for urgent remedy. The best course would be resumption of sites, but unfortunately the original purchasers have too long been left alone without the department exercising any control over them at any stage whatsoever. My suggestion therefore is that they should be offered one more chance to act strictly in accordance with the original conditions of sale. In cases where sites are resold, they have to be resumed at once without any exception under Rule 13 of the conditions of sale.

There is another point which is worthy of consideration. Men of means are each found to purchase several sites, not for purposes of their residence but as a form of investament. It is high time that rationing is applied to sites in the general interests of the wider public. A site per family offered at upset price will go a long way to solve the housing problem. Early orders of Government on my proposals are solicited.

P.T.O.

solicited.

I have the honor to be,
Sir,
Your most obedient servant,

Engineer Officer,
B.C.I.Trust Board.

KC/18-12.

Conditions of sale of sites in the Kumara Park Extension, Bangalore Cotn

1. The sale will be conducted by the Assistant Engineer, Buildings Range, Bangalore.

2. Intending bidders must first deposit a sum of Rs. at the commencement of the bid which, in the case of successful bidders, will be adjusted towards the amount of the bid. The amount deposited by unsuccessful bidders, will be returned to them at the end of the same day.

3. Immediately after the site is knocked down to the successful bidder, he shall deposit 50 per cent of the bid amount with the officer conducting the sale and obtain from him a receipt in return. The full value of the site purchased shall be paid within 3 days after the date of notice of confirmation and then the site taken possession of. Should any purchaser fail to comply with the rule, the officer conducting the sale shall be at liberty to re-sell the site and the defaulter shall be liable to make good the loss besides forfeiting the deposit made.

4. The site is subject to confirmation of Government.

5. The sale conducting officer may fix the amount by which successive bids may be raised.

6. The Assistant Engineer may at his option postpone the sale and hold a fresh sale.

7. The site which has been designed as a unit shall not be allowed to be split up into two or more houses later on, without permission of Government.

8. The balance of the purchase money shall be paid by the purchaser in such manner as the officer directs after the sale is confirmed by Government.

9. Only one dwelling house will be permitted to be built in each unit.

10. From the time of sale, the property will be at the risk of the purchaser but be in possession of those now in possession and occupation until conveyed by the direction of Government.

11. The costs of the sale and the conveyance will be defrayed by the purchaser.

12. The purchaser shall, within 30 days from the date of confirmation of sale, before delivery of the site, be required to execute an agreement on a twelve annas stamp paper binding himself to construct over the site according to a design to be approved by the Municipality within a period specified in the agreement. Such periods shall not exceed one year in the case of buildings costing Rs.5,000/- and less, and 18 months in case of buildings costing over Rs.5,000/- and start construction within six months.

13. A Title deed will be given to the purchaser on production of paper stamped in accordance with the provision of the Mysore stamp Regulation and only after the building has been completed

P.T.O.

complying with all the conditions above stated.

14. That the purchaser is in a financially sound position to build a house in keeping with the surroundings as approved by the Chief Engineer.

15. That the purchaser builds the house within one year of grant of site.

Sd/- M.L.Narasimha Sastry,
Assistant Engineer,
Buildings Division.

(Copy)

Y. Rammon
Engineer Officer,
B.C.I.Trust Board.

LP/18-12.

18/12/44

L6884 B. 18/1/45

To

The Engineer Officer,
City Improvt Trust Board
B'lore

Sir,

With reference to your letter No 43, dated 19-12-44, I am directed to request you to forward a copy of the notification in regard to the Condition of Sale of Sites in the Wilson Garden extension B'lore

I have the
honour to be
Sir
Your most obedient
servant
for Secretary

L.7811 dt 5-2-43 14

To. The Engineer Officer
C.S.D. Board B'lore

Sir,

In invite reference to this office letter no L 6854 dated 12-1-43, & call for a copy of the notification in regard to the Condition of Sale of sites in the Ashok Garden Extension, B'lore, & am directed to request an early compliance in the matter.

Yours Faithfully
for Secretary

	Date of return	Date of submission or reference to diary No

WWD'04190—GPB—5'000—F4 1041

C·F No 45]

GOVERNMENT OF MYSORE

GEN & REV SEC. 5349 15
14 FEB 1945
OFFICE OF

Telegram / phone

No 186
Encls one

The Engineer Officer, City Improvement Trust Board, Bangalore.

Date 8th February 1945

To

The Secretary to Government,
Law Department, Bangalore.

Sir,

With reference to your letter No. L-6884 dated 11th January 1945 and subsequent reminder No. L-7811 dated 5-2-45 calling for a copy of the notification in regard to the condition of the sale of sites in Wilson Garden Extension, I have the honour to forward the same for the information of Government.

I have the honour to be,
Sir,
Your most obedient servant,

Engineer Officer,
C.I.Trust Board.

8-2-45

MR/8-2.

Buildings Division, Bangalore. 46

Conditions of sale of sites in the Extension of Sunkal Farm, (Wilson's Gardens) Hosur Road, Bangalore City.

1. The Executive Engineer reserves to himself the right to accept or refuse any bid and may bid for the properties himself or through his agents as often as he shall think fit.

2. The Executive Engineer may offer the properties shown in the sketch or map (which may be inspected at his office) in one plot (site) or several plots as may be determined at the sale.

3. Each site has been marked out in accordance with the site plan and has been open to inspection of the intending purchasers and shall be taken according to the said approximate measurements and boundaries notwithstanding any discrepancy or in-accuracies and no such discrepancy or in-accuracy or error or omission or mis-description whatsoever in the said particulars of those conditions either to sites or lots or roads shall annul the sale.

4. Each purchaser shall in order to preserve the uniformity of the frontages and conform to aesthetic considerations, put up only such buildings and in such manner as the Bangalore City Municipality will approve of, and no dwelling house or other building shall be erected in the site otherwise than in accordance with plans, elevations and materials previously approved by the Bangalore City Municipality and such approval shall be in writing.

5. The sale conducting Officer may fix the amount by which the successive bids may be raised.

6. The Executive Engineer may at his option post-pone the sale and hold a fresh sale.

7. The site which has been designed as a unit shall not be allowed to be split up into two or more house sites on any consideration without the permission of Government.

8. Only the dwelling house will be permitted in each unit described above.

" Dwelling house means a building constructed to be used wholly for human habitation and shall not include any apartment to the building or ware-house class, i.e. building in which manufactory operations are conducted by mechanical power.

9. The sale is subject to (1) confirmation of Government (2) any lot or lots being withdrawn from sale at any time and (3) a reservation to consolidate or sub-divide any lot or lots and re-arrange the lots if found necessary.

10. Intending bidders must first deposit a sum of Rs.50/-

P.T.O.

at the commencement of the bid, which, in the case of un-successfull bidders, will be adjusted towards the amount of the bid. The amount deposited by un-successful bidders will be returned to them.

11. Immediately after any bid is accepted the purchaser should deposit 50% of the purchase money with the Auctioning Officer, and sign such agreements as may be legal and approved. The said deposit will carry no interest but will be kept in the State Huzur Treasury, Bangalore.

12. The balance of the purchase money shall be paid by the purchaser in such manner as the Officer directs, after the sale is confirmed by Government.

13. If the purchaser shall not pay his purchase money at the time above specified or at any other time which may be named in any order for that purpose and in all other respects perform these conditions, an order may be made by Government for the re-sale of the sites purchased by the purchaser and for payment by the purchaser of the deficiency if any in the price which may be obtained upon such sale and all costs in the price may be obtained upon such sale and all costs and expenses occasioned by default and will not entitled to the benefit of any higher price if realised at the re-sale.

14. From the time, of sale, the property will be at the risk of the purchaser but be in possession of those now in possession and occupation until conveyed by the direction of Government.

15. The costs of the sale and conveyance will be defrayed by the purchaser.

16. The purchaser shall within 30 days from the date of confirmation of sale, before delivery of the site, be required to execute an agreement on a twelve annas stamp paper binding himself (a) to construct over the site according to a design to be approved by the Municipality within a period specified in the agreement. Such period shall not exceed one year in the case of buildings costing Rs.5,000/- and less and 18 months in case of buildings costing over Rs.5,000/- and (b) to start construction within six months.

17. Failure to comply with the condition agreed to by the party as above mentioned will involve the resumption of the site free from all encumbrances and without any claim to compensation.

18. A Title Deed will be given to the purchaser on production of paper stamped in accordance with the provisions of the Mysore stamp Regulation and only after the building has been completed (COMPLYING WITH ALL THE CONDITIONS ABOVE STATED).

(Copy)
Ramaiah
Engineer Officer, 6-2-65.
C.I.Trust Board.

C. F No 45]

GOVERNMENT OF MYSORE

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6449

L-95-90

CS 26/3/45-

To

The Engineer Officer

C.D.J Board

Sir,

With reference to the correspondence ending with your letter No /86 dt. 8-2-45, in the matter of resumption of sites in the Kumara park and Wilson Garden extensions, on which buildings have not been constructed by the owners according to the original conditions of sale, etc, I am directed to enquire whether this area has not been

Handed over to the
City Municipality

We have the
honour
to be
Sir
Your Lordship

C F No 45]

GOVERNMENT OF MYSORE

Tele gram / phone

No 421
Encls

OFFICE OF
The Engineer Officer, City Improvement
Trust Board, Bangalore.

Date 2nd April 1945

The Secretary to Government,
Law Department, Bangalore.

Sir,

Resumption of sites in Kumara Park and Wilson Garden Extensions.

With reference to your letter No. L-9590 dated 26-3-45 enquiring whether the above areas have not been already handed over to the Bangalore City Municipality, I have the honour to state as follows.-

The Bangalore City Municipality were addressed to take over charge of the Wilson Garden Extension but the handing over did not materialise as it was the subject of correspondence. In the meantime, it was found that the persons who had purchased sites were not eager to construct houses but were engaged in re-selling them with a view to make profits. x- At this stage, it was considered that no useful purpose would be served by transferring the extension to the Municipality as they were not also fully developed. Therefore it was thought that the purchasers of sites might be urged to fulfil the conditions of sale by erecting buildings or to agree to the resumption of sites on failure to comply with the sale conditions.

I therefore made a reference to you to obtain orders of Government to empower me to resume sites from those buyers who had infringed the rules governing the sale of sites.

This drastic step was suggested by me after mature deliberation with a view to prevent speculation on the part of certain interested parties.

I have the honour to be,
Sir,
Your most obedient servant,

Ramarao
Engineer Officer,
C.I.Trust Board.
2.4.45

SR MR/2-4.

x- Also certain sanctioned works are not yet executed.

L-10062 To The Engineer Officer 7/4/45
City Improvement Trust Board
Bangalore
ML 157-44-86

Sir

With reference to the correspondence ending with your letter No 491 dt 3.4.45 suggesting that one more chance may be offered to the owners of sites in the Wilson Garden ~~Extension~~ and the Kumara Park extensions to build upon these sites and should they fail to do so, the sites may be resumed according to the Original Conditions of Sale etc I am directed to state that it is not at all clear from the facts on record if the purchasers of the sites are aware of the conditions of sale or not hence nothing can be done towards the resumption

22

of the Sales as proposed by you

~~I am to add that Action may be taken~~ has now to be taken

to enforce the conditions of Sale by taking from each purchaser an agreement and to insist on each of them to act up to the condition

~~Notices may be issued intimating~~ according to all the purchasers the above facts

I have &c

Law Secy to Gal-

6-4-45

GS
7.45